

REMARKS

By this paper, claims 1, 5, 15, 17, 19 and 20 have been amended and claims 21-23 have been canceled. Accordingly, claims 1-20 remain pending.

In the outstanding Office action dated July 16, 2003, the Examiner objected to claims 1, 5, 15 and 17 as containing informalities and rejected claim 17, 19 and 22 under 35 U.S.C. § 112, second paragraph. In response thereto, Applicants have amended claims 1, 5, 15, 17 and 19 to address the objections and rejections. As such, it is believed that all pending claims now recite proper subject matter and satisfy the requirements of § 112.

In the outstanding Office action, claims 1-13 and 18-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Shull et al. (6,143,022) and claims 20 and 23 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hogan (6,569,191 B1). Additionally, claims 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shull et al. in view of Schmitt (5,443,499) and Duffy et al. (6,086,611) and claim 14 was rejected under § 103(a) as being unpatentable over Shull et al. in view of Schmitt et al. Claim 21 was deemed allowable if rewritten in independent form and claim 22 was deemed allowable if rewritten to overcome a § 112 rejection as well as to include all limitations of its base claim and any intervening claims.

Accordingly, independent claim 1 has been rewritten to include the subject matter of canceled claim 21 and independent claim 19 has been amended to recite the subject matter of canceled claim 22. As such, it is believed that each of claims 1-19 now define patentable subject matter.

Moreover, independent claim 20 has been amended to recite the subject matter of canceled claim 23. It is respectfully submitted that claim 20 as amended recites subject matter which is patentable over the cited art. In particular, the cited art does not teach a medical device including at least one shoe device being configured at one pair of converging struts wherein the

shoe device permits the converging struts to slide with respect to each other. Clearly, the Hogan reference which is relied upon to reject claim 20 does not teach such structure and in fact teaches loops 41 weaved into a stent body 43 about multiple pairs of threads. Thus, it is respectfully submitted that claim 20 also defines patentable subject matter.

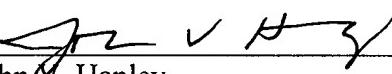
CONCLUSION

Applicant has attempted to respond to each and every rejection set forth in the outstanding Office Action. In view of the above amendments and remarks, Applicant respectfully requests that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:


John V. Hanley

Registration No. 38,171

JVH/kst
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
28771.1